

REMARKS

Status of Claims:

Claims 1-97 are pending in the present application. Claims 1, 3, 4, 6, 8-10, 14, 15, 23-25, 27-29, 31-33, 37, 38, 46, and 94 have been amended as indicated above. Claims 56-93 and 96 and 97 have been withdrawn from consideration.

Election/Restriction:

In the Action at pages 2-3, paragraphs 1-5, the Examiner has restricted the claims under 35 USC 121 as being directed to two inventions: Group I, claims 1-55 and 94 and 95, drawn to a polymerizable organic composition and a polymerizate thereof; and claims 55-93 and 96-97, drawn to a photochromic article. During a telephone conversation with Applicants' representative, a provisional election was made with traverse to prosecute the invention of Group I (claims 1-55 and 94-95). Applicants hereby affirm the election, with traverse, to prosecute the claims of Group I.

Applicants traverse the restriction requirement on the grounds that the search for the subject matter of Group I claims and that of Group II claims would be coextensive and, therefore, would not constitute a burden to the Examiner. In fact, Applicants assert that the search for subject matter recited in the claims of Group I would necessarily retrieve the subject matter recited in the claims of Group II. As MPEP section 803 states, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In view of the foregoing, Applicants respectfully request that the restriction requirement be withdrawn.

Claim Objections:

The Examiner has objected to claims 4, 6-12, 14, 15, 23, 24, 28-35, 37, 38, 94 and 95 as stated in the Action at pages 3-5, paragraph 6. The claims have now been amended to address the Examiner's objections by removing hydroxyethyl methacrylate chloroformate ester in claim 4, replacing "which is" with "comprising" in claims 3 and 27, presenting claims 6 and 29 in independent form, amending the dependency of claims 8-10 to claim 6, and claims 31-33 to claim 29; rewording claims 23 and 94; and correcting obvious typographical errors in claims 14, 15, 28, 37, and 38. In view of these claim amendments the objections to these claims now has been overcome. Reconsideration and withdrawal of the claim objections is respectfully requested.

Claim Rejections Under 35 USC 112:

Claims 4, 6-12, and 29-35 stand rejected under 35 USC 112, second paragraph as being indefinite. Accordingly, claim 4 has been amended to be in independent form and to indicate that the polythiol monomer is functionalized; and claims 6 and 29 have been written in independent form. As amended, the claims are not indefinite and, therefore, reconsideration and withdrawal of the rejection of claims 4, 6-12, and 29-35 under 35 USC 112, second paragraph is respectfully requested.

Claim Rejections Under 35 USC 102:

Claims 1-3, 5, 18, 25-28, 42, and 55 stand rejected under 35 USC 102(b) as being anticipated by US 3,600,359 to Miranda ("Miranda"). The Examiner alleges that Miranda discloses the claimed polymerizable organic composition.

Miranda discloses a radiation curable compound produced by reacting a polymercapto compound, a polyisocyanate and a

hydroxy acrylate. As the Examiner concedes, Miranda does not disclose or in any way suggest a polymerizable organic composition that, when polymerized, results in a polymerizate having a refractive index of 1.57 to 1.80. Therefore, the claims as amended are not anticipated by Miranda. Reconsideration and withdrawal of the claim rejection under 35 USC 102(b) is respectfully requested.

Allowable Subject Matter:

Applicants appreciate the Examiner's indication of allowable subject matter in claims 4, 6-17, 19-24, 29-41, 42-54, 94 and 95. Applicants assert that the claims as amended include all amendments suggested by the Examiner in order to place these claims in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol A. Marmo".

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